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November 9, 2015

**Via ECF and U.S. Mail**

The Honorable Paul A. Crotty  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Chambers 1350  
New York, NY 10007

Re: *In re Barclays Bank Plc Sec. Litig.*, No. 1:09-cv-01989 (PAC)

Dear Judge Crotty:

We write on behalf of the Underwriter Defendants<sup>1</sup> in response to Plaintiffs' November 4, 2015 letter (the "Letter") seeking a pre-motion conference or leave to file a motion for the issuance of a letter requesting judicial assistance under the Hague Convention to obtain testimony in the United Kingdom from PricewaterhouseCoopers employee Drew Haigh. Plaintiffs' untimely application should be denied.

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<sup>1</sup> Defendants Barclays Capital Securities Limited, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated (on behalf of itself and as successor to defendant Banc of America Securities LLC), Morgan Stanley & Co. Inc., RBC Dain Rauscher Inc., UBS Securities LLC and Wachovia Capital Markets, LLC (n/k/a Wells Fargo Securities, LLC) are collectively referred to as the "Underwriter Defendants."

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For the reasons set forth in the Barclays Defendants' November 9, 2015 submission, Plaintiffs' application, which comes just days before the close of fact discovery in this action, is untimely and should be rejected. (*See* Barclays Defendants' Resp. at 1-3.) The Underwriter Defendants further note that during the *August 13, 2015* deposition of Jack McSpadden (a representative of defendant Citigroup Global Markets Inc.), Mr. McSpadden was asked numerous questions regarding Mr. Haigh, including questions about the very emails that Plaintiffs attach to their Letter. (*See* Exs. 7-8.) Thus, Plaintiffs' assertion that the "need for Haigh's testimony" only became apparent during "depositions as recent as last week" (*i.e.*, the week of October 26) is, at best, disingenuous. For this additional reason, Plaintiffs' application to commence procedures to take overseas discovery should be denied.<sup>2</sup>

Respectfully submitted,

*/s/ Scott. D. Musoff*

Scott D. Musoff

cc: All counsel of record (via ECF)

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<sup>2</sup> Plaintiffs' application should also be denied because counsel for Plaintiffs failed to meet and confer with counsel for the Underwriter Defendants prior to filing the Letter, as is required by Rule 3.C. of Your Honor's Individual Practices.